

ORDERED.



1 Ronald Ryan
2 Ronald Ryan PC
3 Attorney at Law
4 1413 E Hedrick Drive
5 Tucson Arizona 85719
6 (520)298-3333 fax: (520)743-1020
7 ronryanlaw@cox.net
8 AZ #018140 Pima County #65325

Dated: March 29, 2011

Eileen W. Hollowell
EILEEN W. HOLLOWELL
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA TUCSON

IN RE: ANTHONY TARANTOLA, DEBTOR	Adversary No: 11-ap-00058-EWH Case No: 09-9703-TUC-EWH
ANTHONY TARANTOLA, PLAINTIFF	ORDER AVOIDING SECONDARY LIEN ON REAL ESTATE
VS.	
JP MORGAN CHASE BANK NA, formerly known as BANK ONE, N.A.,	
DEFENDANT	Chapter 13

ON THIS day, came before this Court Debtor's Complaint to Avoid Defendant's Secondary Lien on Real Estate, complaining against Defendant, JP MORGAN CHASE BANK NA, formerly known as BANK ONE, N.A., and this Court finds that the Clerk has entered Default against Defendant. This Order pertains to the real estate that is "Debtor's Residence", or the "Property," which Debtor has claimed as their exempt real property homestead, described as follows:

LOT 328 OF BEL AIR RANCH ESTATES ACCORDING TO THE MAP
RECORDED IN BOOK 22 OF MAPS PAGE 57 RECORDS OF PIMA COUNTY
ARIZONA, OR AS MORE COMMONLY KNOWN AS 11201 E HASH KNIFE
CIRCLE 85749

The Secondary Deed of Trust Deed of Trust to which this proceeding pertains was

1 recorded April 18, 2003 at Pima County Recorder Docket 12032, page 712. Defendant filed
2 a Proof of Claim purportedly secured by the Secondary Deed of Trust to which this action
3 pertains. The Defendant having failed to file timely opposition to Debtor's Complaint, the
4 court hereby ORDERS as follows:

- 5 (1) For purposes of Debtor's Chapter 13 plan only, the Lien is valued at zero. The
6 Secondary Lienholder does not have a secured claim and the Lien may not be
7 enforced, pursuant to 11 U.S.C. §§ 506, 1322(b)(2) and 1327.
- 8 (2) This order shall become part of Debtor's confirmed Chapter 13 Plan.
- 9 (3) Upon entry of a discharge in Debtor's Chapter 13 case, the Lien shall be voided for
10 all purposes and, upon application by Debtor, the Court will enter an appropriate
form of judgment voiding the Lien.
- 11 (4) If Debtor's Chapter 13 case is dismissed or converted to Chapter 7 before Debtor
12 obtains a discharge, this order shall cease to be effective and the Lien shall be
13 retained to the extent recognized by applicable non-bankruptcy law and, upon
14 application by Lienholder, the Court will enter an appropriate form of order restoring
the Lien.
- 15 (5) Except as provided by separate, subsequent order of this Court, the Lien may not
16 be enforced so long as this order remains in effect.

17 Dated and electronically signed above.

18

19

20

21 Entry requested:

22 /s/ Ronald Ryan
Ronald Ryan
23 Attorney for Debtor and Plaintiff

24 The above signature confirms that a copy of this proposed for of Judgment along with a
25 copy of the Motion for Entry of Default Judgment was mailed to:
C T Corporation System 2394 E Camelback Rd Phoenix AZ 85016, Statutory Agent for JP
26 Morgan Chase Bank NA, on March 28, 2011.

United States Bankruptcy Court
District of Arizona

TARANTOLA,
Plaintiff

Adv. Proc. No. 11-00058-EWH

JP MORGAN CHASE BANK NA, formerly known,
Defendant

CERTIFICATE OF NOTICE

District/off: 0970-4

User: granillob
Form ID: pdf005

Page 1 of 1
Total Noticed: 3

Date Rcvd: Mar 30, 2011

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on
Apr 01, 2011.

pla +ANTHONY TARANTOLA, 11201 EAST HASHKNIFE CIRCLE, TUCSON, AZ 85749-8105
dft +JP MORGAN CHASE BANK NA, formerly known as BANK ON, THROUGH STATUTORY AGENT,
C T Corporation System, 2394 E Camelback Rd, Phoenix, AZ 85016-3429

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

ust +E-mail/Text: ustpregion14.px.ecf@usdoj.gov Mar 30 2011 23:21:45 U.S. TRUSTEE,
OFFICE OF THE U.S. TRUSTEE, 230 NORTH FIRST AVENUE, SUITE 204, PHOENIX, AZ 85003-1725
TOTAL: 1

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 01, 2011

Signature:

